

**CHARGES AND SPECIFICATIONS**

PD468-121 (Rev.1-02)-Pent

January 11, 2016

Command	Serial No.	I.A.B. Log No.	I.A.B. Member Notified	Department Advocate's Office Serial Number
WARRSEC / 580	CCRB No. 201502957	2016 - 1379	Sgt. Macari	2016-15036

**TO THE POLICE COMMISSIONER:**

	Rank-Title	Surname	First Name	MI	Shield No.	Tax Reg. No.
I hereby CHARGE	SDS	Gervasio	Daniel	L	04650	915783
Squad or Chart No Command WARRSEC / 580					Date Entered Dept. 6/30/1995	

with VIOLATION OF DEPARTMENT REGULATIONS

**SPECIFICATIONS**

in that:

1. Said Sergeant Daniel Gervasio, on or about April 17, 2015, at approximately 0635 hours, while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b) Kings County, engaged in conduct prejudicial to the good order, efficiency, or discipline of the New York City Police Department, in that he searched § 87(2)(b), without sufficient legal authority.

203-10, Page 1, Paragraph 5 - Public Contact - Prohibited Conduct

2. Said Sergeant Daniel Gervasio, on or about April 17, 2015, at approximately 0635, hours while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b) Kings County, engaged in conduct prejudicial to the good order, efficiency, or discipline of the New York City Police Department, in that he entered § 87(2)(b), without sufficient legal authority.

203-10, Page 1, Paragraph 5 - Public Contact - Prohibited Conduct

3. Said Sergeant Daniel Gervasio, on or about April 17, 2015, at approximately 0635 hours, while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b) Kings County, engaged in conduct prejudicial to the good order, efficiency, or discipline of the New York City Police Department, in that he damaged the balcony door of said apartment § 87(2)(b) without sufficient legal authority.

203-10, Page 1, Paragraph 5 - Public Contact - Prohibited Conduct

4. Said Sergeant Daniel Gervasio, on or about April 17, 2015, at approximately 0635 hours, while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b) Kings County, abused his authority as a member of the New York City Police Department, in that he refused to provide his shield number to § 87(2)(b) without sufficient legal authority.

203-09, Page 1, Paragraph 1 - Discourtesy - Name and Shield


5. Said Sergeant Daniel Gervasio, on or about April 17, 2015, at approximately 0635 hours, while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b) Kings County, wrongfully used force against § 87(2)(b) in that he grabbed him, pushed him, and restrained him without police necessity.

203-11 - Use of Force

**Instructions:** After all specifications are entered, list witnesses for the department. (If witness is civilian, enter name and address on Official Letterhead PD 158-151). If member of the force, give rank, name, shield number and command. Also indicate scheduled vacation (if any), chart, Squad no., or working schedule of complainant, respondent and witnesses (if member of the department).

6. Said Sergeant Daniel Gervasio, on or about April 17, 2015, at approximately 0635, while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b) Kings County, was discourteous, in that he spoke discourteously to § 87(2)(b) without sufficient legal authority by stating in sum and substance I AM THE FUCKING POLICE.

203-09, Page 1, Paragraph 2 - Discourtesy

  
\_\_\_\_\_  
Vivian Cedeno  
Deputy Chief Prosecutor  
New York City Civilian Complaint Review Board

1/11/16  
Date

**1st ENDORSEMENT**

Executive Director Mina Malik of the Civilian Complaint Review Board to the Police Commissioner, January 11, 2016. I concur with the issuance of charges and specifications.



Mina Malik  
Executive Director  
New York City Civilian Complaint Review Board

**INSTRUCTIONS FOR SERVICE OF CHARGES AND SPECIFICATIONS**

1. Respondent will sign and complete where appropriate:
  - a. original charges and specifications
  - b. vacation and military leave form
  - c. two (2) copies of instructions and receipt of charges and specifications
  - d. agreement to accept service of notice form (when requested in suspension cases only).
2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ AM/PM.

WITNESS

RESPONDENT

\_\_\_\_\_  
(Rank/Title)\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Rank/Title)\_\_\_\_\_  
(Signature)**DATESTAMP**

D.A.O.

(Out)

CMD PREFER C&amp;S

(In)

(Out)

HIGHER COMMAND

(In)

(Out)

D.A.O.

(In)

**CHARGES AND SPECIFICATIONS**

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January 11, 2016

Command	Serial No.	I.A.B. Log No.	I.A.B. Member Notified	Department Advocate's Office Serial Number
WARRSEC / 580	CCRB No. 201502957	2016-1381	Sgt. Macari	2016-15037

**TO THE POLICE COMMISSIONER:**

	Rank-Title	Surname	First Name	MI	Shield No.	Tax Reg. No.
I hereby CHARGE	DT2	Kuhnappel	Richard	R	04765	911295
Squad or Chart No Command WARRSEC / 580					Date Entered Dept. 6/30/1992	

with VIOLATION OF DEPARTMENT REGULATIONS

**SPECIFICATIONS**

in that:

- Said Detective Richard Kuhnappel, on or about April 17, 2015, at approximately 0635 hours, while assigned to the Warrant Section and on duty, in the vicinity of § 87(2)(b), Kings County, wrongfully used force against § 87(2)(b) in that he held him, pushed him, and restrained him, without police necessity.

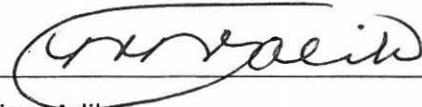
203-11 - Use of Force

Vivian Cedeno  
Deputy Chief Prosecutor  
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Mina Malik  
Executive Director  
New York City Civilian Complaint Review Board

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  - a. original charges and specifications
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2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ AM/PM.

WITNESS

RESPONDENT

\_\_\_\_\_  
(Rank/Title)\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Rank/Title)\_\_\_\_\_  
(Signature)**DATESTAMP**

D.A.O.

(Out)

CMD PREFER C&amp;S

(In)

(Out)

HIGHER COMMAND

(In)

(Out)

D.A.O.

(In)